

FILED

SEP 27 2023

**U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS**

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)

Plaintiff,)

v.) No.

JUSTIN GAITHER,)

Defendant.)

4:23-cr-00509 SEP/RHH

INDICTMENT

COUNT ONE

[18 U.S.C. §242]

GENERAL ALLEGATIONS

The Grand Jury charges that:

At all times pertinent to Count I of this Indictment:

1. The Venice, Illinois Police Department (“VPD”) was a law enforcement agency in the Southern District of Illinois, adjacent to the east of the Eastern District of Missouri;
2. Among other functions, the VPD was responsible for responding to and investigating crimes occurring in the Southern District of Illinois, some of which resulted in traveling across the Mississippi River into the Eastern District of Missouri;
3. Defendant **JUSTIN GAITHER** was employed by the VPD as a police officer;
4. Defendant **JUSTIN GAITHER** was sworn to uphold the United States Constitution.
5. On or about November 20, 2022, within the Eastern District of Missouri, the defendant,

JUSTIN GAITHER,

while acting under color of law, willfully deprived D.S. of the right to be free from unreasonable seizure, a right secured and protected by the Constitution and laws of the United States, which includes the right to be free from the use of unreasonable force. In so doing, the defendant assaulted D.S. while D.S. was in handcuffs and did not pose a threat to anyone. This offense resulted in bodily injury to D.S.

In violation of and punishable under Title 18, United States Code, Section 242.

A TRUE BILL.

FOREPERSON

SAYLER A. FLEMING
United States Attorney

CHRISTINE H. KRUG
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